

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Tanaka L. Birdo,

Plaintiff,

Civil No. 20-cv-1108 (SRN/HB)

v.

Mohammed Duluky, Jeremy Miller,
and Common Bond,

Defendants.

**ORDER ON REPORT
AND RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is **ADOPTED**;
2. To the extent that Tanaka L. Birdo's Complaint [Doc. No. 1] purports to bring claims based on federal law, the Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim.
3. To the extent the Complaint purports to bring claims based on state law, the Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
4. Birdo's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. No. 2] is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 16, 2020

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge